

10/575633

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 20 2006
APR 20 2006

Applicants: Avolio, et al.

Serial No. Not Yet Assigned

Filed: April 6, 2006

For: INDOLES AND AZAINDOLES AS ANTIVIRAL AGENTS

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

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INFORMATION DISCLOSURE STATEMENT

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IAP20 Rec'd PCT/PTO 7 APR 2006

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

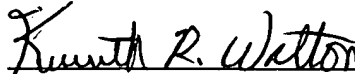
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Kenneth R. Walton

Attorney _____ For Applicant(s)

Reg. No. 32,951

MERCK & CO., INC.

Patent Dept., RY60-30

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Date: April 7, 2006

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

COMPLETE IF KNOWN

Application Number

Not Yet Assigned

Filing Date

April 7, 2006

First Named Inventor

Avolio, et al.

Group Art Unit

Not Yet Assigned

Examiner Name

Not Yet Assigned

Sheet

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of

2

Attorney Docket Number

IT0061P

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
	3	EP	1162196	A1	Japan Tobacco Inc. (Corresponds to WO01/47883)	12/12/2001
	4	WO	02/04425	A2	Boehringer Ingelheim (Canada) Ltd.	01/17/2002
	5	EP	1400241	A1	Japan Tobacco Inc. (Corresponds to WO03/000254)	03/24/2004
	6	WO	03/010140	A2	Boehringer Ingelheim (Canada) Ltd.	02/06/2003
	7	WO	03/010141	A2	Boehringer Ingelheim (Canada) Ltd.	02/06/2003
	8	WO	04/065367	A1	Boehringer Ingelheim International GMBH	08/05/2004

**Examiner
Signature**

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., -7/12/2005

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			COMPLETE IF KNOWN		
			Application Number	Not Yet Assigned 20/575633	
			Filing Date	April 7, 2006	
			First Named Inventor	Avolio, et al.	
			Group Art Unit	Not Yet Assigned	
			Examiner Name	Not Yet Assigned	
Sheet	2	of	2	Attorney Docket Number	ITT0061P

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	9	Von Angerer, E., et al., "2-Phenylindoles. Effect of N-benzylolation on estrogen receptor affinity, estrogenic properties, and mammary tumor inhibiting activity", Journal of Medicinal Chemistry, Vol. 30, No. 1, pp. 131-136 (1987)
	10	Traxler, P. M., et al., "4-(Phenylamino)pyrrolopyrimidines: Potent and Selective, ATP Site Directed Inhibitors of the EGF-Receptor Protein Tyrosine Kinase", Journal of Medicinal Chemistry, Vol. 39, No. 12, pp. 2285-2292 (1996)
	11	Chi, S. M., et al., "Palladium-catalyzed functionalization of 5- and 7-azaindoles", Tetrahedron Letters, Vol. 41, No. 6, pp. 919-922 (2000)
	12	Zhang, H. C., et al., "Efficient synthesis of 3-substituted 2-arylindoles via Suzuki coupling reactions on the solid phase", Tetrahedron Letters, Vol. 42, No. 29, pp. 4751-4754 (2001)
	13	Engler, T. A., et al., "Lewis Acid-Controlled Regioselectivity in Reactions of Styrenyl Systems with Benzoquinone Monoimides: New Regioselective Syntheses of Substituted 2-Aryl-2,3-dihydrobenzofurans, 2-Aryl-2,3-dihydroindoles, and 2-Arylindoles", J. Org. Chem., Vol. 61, No. 26, pp. 9297-9308 (1996)
	14	Derwent Abstract No. 2003-221366/21, "Antihepatitis C agents comprise new and known fused cyclic compounds", Japan Tobacco Inc., Abstract of WO03/000254
	15	Derwent Abstract No. 2001-514316/56, "New bicyclic compounds are hepatitis C polymerase inhibitors for treating and preventing hepatitis C", Japan Tobacco Inc., Abstract of WO01/47883

Examiner Signature	Date Considered
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.